

Legislative Oversight and Sunset Act

Title 63I, Chapter 1

(Summary of Key Provisions)

Purpose

The act provides for:

- 1) the periodic evaluation of whether a government program (described in the act as an agency or as a statute) fills a legitimate public purpose; and*
- 2) the automatic termination of the program, unless the program is reauthorized by the Legislature.*

Responsibility

The state agency involved is responsible to seek the reauthorization. A legislative interim committee may review the program and submit a report of its recommendations, including proposed legislation.

Agency Duties

The state agency involved shall identify for the interim committee:

- What was the public purpose for creating the program?
- What was the public interest for creating the program?
- Is the public purpose and the public interest for the program still relevant?

Legislative Considerations

The state should not regulate any area unless the regulation is necessary to protect the health, safety, and welfare of the public. The interim committee shall consider:

- *To what extent has the program operated in the public interest?*
- *What is needed to improve the ability of the program to operate in the public interest?*
- *What is interfering with the capacity of the program to serve the public interest (statutes, budget, resources, or personnel)?*
- *Has the public been encouraged to participate in establishing rules for the program?*
- *Does the program duplicate other programs?*
- *To what extent has the program accomplished its objectives and benefitted the public?*

What adverse effects would result if the program were terminated?

Legislative Policy Options for Sunset Reviews:

1. Recommend legislation to reauthorize the program (i.e., extend the sunset date). A 10-year extension is typical, but the committee may set a shorter period.
2. Recommend legislation to repeal the program.
3. Recommend that the program be allowed to sunset or take no action on the sunset. The effect of allowing the program to sunset and to take no action is the same. Follow-up legislation to remove the provisions from the Utah Code will be necessary at some point.
4. Recommend legislation to remove the program from the sunset act. This has the effect of extending the sunset indefinitely or until the Legislature takes further action. Regular review of the program would have to take place in other ways besides a sunset review.
5. Recommend legislation to improve the program and either reauthorize it or remove the program from the Sunset Act.

Governing Statutes

(as of May 13, 2014)

63I-1-101. Title.

- (1) This title is known as "Oversight."
- (2) This chapter is known as the "Legislative Oversight and Sunset Act."

63I-1-102. Agency defined -- Periodic termination of statutes and agencies -- Legislative review.

- (1) As used in this chapter, "agency" means any state authority, board, commission, department, division, office, or other agency, and the statute that established it.
- (2) The Legislature finds that the state should not regulate any area unless the regulation is necessary to protect the health, safety, and welfare of the public.
- (3) In order to make state government more productive and responsive to the people, it is necessary to place many of the statutes and agencies of state government under Part 2 of this chapter on a reauthorization schedule. Any statute or agency scheduled for termination under this chapter is terminated unless the Legislature through affirmative act reauthorizes its existence. The

continued existence of a statute or agency subject to this chapter may not be reauthorized for a period of more than 10 years.

- (4) It is the purpose of this chapter to terminate any statute or agency that is not meeting a clear public purpose, and to improve the ability of state government to meet and fulfill legitimate public purposes.

63I-1-103. Guidelines for conduct of review.

- (1) (a) Any statute or agency scheduled for termination may be reviewed by an interim committee at the direction of:
- (i) Legislative Management Committee;
 - (ii) the chairs of an interim committee; or
 - (iii) an interim committee as approved by motion and majority vote of its membership.
- (b) The review shall begin not later than one year before scheduled termination and end before January 1 of the year in which termination is scheduled.
- (2) In determining whether to reauthorize the statute or agency, the agency overseeing the statute or agency scheduled for termination shall clearly identify for the interim committee the public purpose and interest for which each statute or agency was originally created and clearly identify whether that public purpose and interest is still relevant.
- (3) The interim committee shall then consider:
- (a) the extent to which the statute or agency has operated in the public interest and any areas in which the statute or agency needs to improve its ability to operate in the public interest;
 - (b) the extent to which existing statutes interfere with or assist the legitimate functions of the statute or agency, and any other circumstances including budgetary, resource, and personnel matters that have a bearing on the capacity of the statute or agency to serve the public interest;
 - (c) the extent to which the public has been encouraged to participate in the adoption of the rules established in connection with the statute or agency;
 - (d) the extent to which the statute's provisions or agency's programs and services are duplicative of those offered by other statutes or state agencies;
 - (e) the extent to which the objectives of the statute or agency have been accomplished and their public benefit;
 - (f) the adverse effect on the public of termination of the statute or agency; and

- (g) any other matter relevant to the review.
- (4) It is the responsibility of any agency scheduled for termination or any agency which has oversight responsibilities for a statute scheduled for termination to seek its reauthorization with the Legislature.

63I-1-104. Terminated authority -- Winding up of affairs.

Any agency terminated under this chapter may continue in existence, if necessary to wind up its affairs, until July 1 of the year next succeeding the year of termination.

63I-1-105. Reviewing committee -- Report of recommendations.

The reviewing committee shall submit a report of its recommendations, including proposed legislation and recommendations concerning the statute or agency, to the Legislature before January 1 of the year in which the agency is scheduled for termination.

63I-1-106. Legislative reauthorization of statute or agency.

If the Legislature determines that the public interest requires the continued existence of the statute or agency, it shall reauthorize the existence of the statute or agency in this chapter.